

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

NICHOLAS ANDRES FUENTES III,

Plaintiff,

v.

LT. CLAN JACOBS *et al.*,

Defendants.

Case No. C05-5579RBL

REPORT AND  
RECOMMENDATION

**NOTED FOR:  
DECEMBER 16<sup>th</sup>, 2005**

This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4. On October 7<sup>th</sup>, 2005 the court entered an Order requiring plaintiff to submit service documents including copies of the complaint. (Dkt. # 5). Plaintiff has not complied. As the matter now stands there are forms for four of the ten named defendants and 1 copy of the complaint with exhibits.

Plaintiff was specifically informed that failure to provide the documents would result in a Report and Recommendation that this action be dismissed without prejudice for failure to prosecute. (Dkt. # 5). As plaintiff has not complied with the court's order the court now recommends this action be **DISMISSED WITHOUT PREJUDICE**. A proposed order and proposed judgment accompanies this Report and Recommendation.

Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal rules of Civil Procedure, the parties shall have ten (10) days from service of this Report to file written objections. *See also* Fed. R. Civ.

1 P. 6. Failure to file objections will result in a waiver of those objections for purposes of appeal. Thomas v.  
2 Arn, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule 72(b), the clerk is directed to  
3 set the matter for consideration on **December 16<sup>th</sup>, 2005**, as noted in the caption.

4  
5 DATED this 30<sup>th</sup> day of November, 2005.

6  
7 /s/ J. Kelley Arnold  
8 J. Kelley Arnold  
9 United States Magistrate Judge  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28